

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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GRACE ALBANESE,

Plaintiff,

2:21-cv-01053-APG-VCF

VS.

STEVE BARRIOS,

Defendant.

ORDER

APPLICATION TO PROCEED IN FORMA
PAUPERIS (EFC NO. 1); COMPLAINT (ECF
NO. 1-1)

Before the Court is pro se plaintiff Grace Albanese's application to proceed in forma pauperis (ECF No. 1) and complaint (ECF No. 1-1). The Court strikes Albanese's application and complaint (ECF Nos. 1 and 1-1) and directs the Clerk of Court to administratively close this case.

This Court previously declared Albanese a vexatious litigant. See *Albanese v. Federal Bureau of Investigations*, Nevada District Court Case No. 2:17-cv-01599-JAD-VCF at ECF No. 7 at 5 (“Albanese is deemed a vexatious litigant under 28 U.S.C. § 1651(a), and she is ENJOINED and PROHIBITED from filing any new complaint, petition, or other action in this court without first obtaining leave from the Chief Judge of this court.”) (emphasis in original). This Court has the inherent power to strike material from the docket to control litigation conduct and to supervise the contents of that docket. *Ready Transp., Inc. v. AAR, Mfg.*, 627 F.3d 402, 404-05 (9 Cir. 2010). The Court finds that plaintiff has not complied with this Court’s vexatious litigant order when she filed her application and complaint. Plaintiff will not be prejudiced because she can request leave of Court from the Chief Judge of this court if she wishes to file a meritorious action per the Court’s prior vexatious litigant order.

1 Accordingly,

2 IT IS ORDERED that plaintiff Grace Albanese's application to proceed in forma pauperis (ECF
3 No. 1) and complaint (ECF No. 1-1) is STRIKEN from the record.

4 IT IS FURTHER ORDERED that the Clerk of Court is directed to administratively CLOSE this
5 case.

6 **NOTICE**

7 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
8 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
9 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
10 may determine that an appeal has been waived due to the failure to file objections within the specified
11 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections
12 within the specified time and (2) failure to properly address and brief the objectionable issues waives the
13 right to appeal the District Court's order and/or appeal factual issues from the order of the District Court.

14 *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452,
15 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with
16 the court of any change of address. The notification must include proof of service upon each opposing
17 party's attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply
18 with this rule may result in dismissal of the action.

19 IT IS SO ORDERED.

20 DATED this 8th day of June 2021.

21 
22 CAM FERENBACH
23 UNITED STATES MAGISTRATE JUDGE
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